THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.558 OF 2006

DATED: 15-06-2007

BETWEEN

T. Sammaiah, S/o. Pullaiah,
R/o. Vizianagaram,
Ramanujavaram Gram Panchayat,
Thirumalapuram Village,
Manugur Mandal, Khammam District.

…PETITIONER

AND

Indian Oil Corporation Limited,
Vijayawada Regional Office,
Rep. by its Senior Divisional
Manager, G.V.R. Towers,
Vijayawada and others.

…RESPONDENTS

ORDER:

Petitioner submits that he is the pattedar, absolute owner and possessor of the land in an extent of Ac.0.39 guntas in Sy.No.138 situated in Ashok Nagar, Near Mallaram of Manuguru Revenue Village and Mandal, Khammam District and that he continues to be in physical occupation of the same.

2. Petitioner further submits that a portion of the said land in Sy.No.138 is sought to be allotted by the second respondent in favour of the first respondent and aggrieved by the said action, he filed this writ petition seeking a direction to the respondents not to interfere with the peaceful possession and enjoyment of his land to an extent of Ac.0.39 guntas in Sy.No.138.

3. The second respondent – Mandal Revenue Officer filed his counter stating that the land sought to be allotted to the first respondent is in an extent of Ac.0.17 guntas in Sy.No.138/2 of Manuguru Village and that the petitioner is not at all the owner of the said land. It is stated that the part of the same piece of the land in Sy.No.138/2 was also allotted to the R & B Department.

4. The first respondent also filed a counter stating that the alienation proposals are with regard to the land in an extent of Ac.0.17 guntas in Sy.No.138/1 of Manuguru Village but not in respect of Sy.No.138.

5. It appears that there is a contradiction with regard to the survey number as per the counters of the respondents 1 and 2; the first respondent stated in the counter that the land to be alienated in an extent of Ac.0.17 guntas is in Sy.No.138/1 whereas the second respondent in his counter states that the land sought to be alienated is in Sy.No.138/2. However, the title of the petitioner with regard to the land in Sy.No.138 is not at all disputed.

Having regard to the facts and circumstances of the case,
the writ petition is disposed of with a direction to the respondents to follow due procedure prescribed in law if they seek to acquire any portion of the land of the petitioner in an extent of Ac.0.39 guntas in respect of Sy.No.138 of Manuguru Village. There shall be no order as to costs.

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V. ESWARAIAH, J

June 15, 2007
DSK